

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

MARK ELLIS,	)	
	)	
Plaintiff,	)	
	)	Case No. 1:14-CV-341
v.	)	
	)	Judge Curtis L. Collier
AJ & ASSOCIATES DENTAL, PC, and	)	
ASPEN DENTAL MANAGEMENT, INC.	)	
	)	
Defendants.	)	

**JUDGMENT ORDER**

Plaintiff filed his original complaint in this Court based on state and federal causes of action. Plaintiff subsequently filed a notice dismissing all of his federal claims (Court File No. 5) and filed an amended complaint noting that “[b]ecause Plaintiff has voluntarily dismissed all of his claims that arose under Federal law, and because diversity of citizenship between the parties is lacking, this Court no longer has jurisdiction over this case” (Court File No. 6).<sup>1</sup> Defendant then moved to dismiss the case, with prejudice, under Fed. R. Civ. P. 12(b)(1) for lack of subject matter jurisdiction. Plaintiff filed a response asking the Court to dismiss the complaint *without* prejudice because a complaint is generally only dismissed with prejudice after an adjudication on the merits—e.g. a Rule 12(b)(6) ruling—and “a dismissal for lack of subject matter jurisdiction does not operate as an adjudication on the merits for preclusive purposes.” *Pratt v. Ventas, Inc.*, 365 F.3d 514, 522 (6th Cir. 2004) (*Holloway v. Brush*, 220 F.3d 767, 778 (6th Cir. 2000)). Defendants did not file a reply countering this argument. Because the amended complaint removes original subject matter jurisdiction and the Court will dismiss the complaint

---

<sup>1</sup> The amended complaint was filed within the timeframe for filing an amended complaint as a matter of course.

pursuant to Rule 12(b)(1), the Court **DISMISSES** this case **WITHOUT PREJUDICE**. There being no other issues remaining for adjudication, the Court **DIRECTS** the Clerk of Court to **CLOSE** the case.

**SO ORDERED.**

**ENTER:**

/s/  
**CURTIS L. COLLIER**  
**UNITED STATES DISTRICT JUDGE**

ENTERED AS A JUDGMENT  
s/ Debra C. Poplin  
CLERK OF COURT